

T.E. BERTAGNOLLI & ASSOCIATES,

)

AGBCA Nos. 2005-135-1

)

2005-136-1

Appellant

)

)

Representing the Appellant:

)

)

Tim E. Bertagnolli, President

)

T.E. Bertagnolli & Associates

)

P.O. Box 2577

)

Carson City, Nevada 89702

)

)

Representing the Government:

)

)

Ritu Ahuja, Esquire

)

Office of the General Counsel

)

U. S. Department of Agriculture

)

33 New Montgomery, 17th Floor

)

San Francisco, California 94105-4511

)

ORDER OF THE BOARD OF CONTRACT APPEALS

November 7, 2005

Opinion for the Board by Administrative Judge VERGILIO.

On March 9, 2005, the Board received from T.E. Bertagnolli & Associates of Carson City, Nevada (contractor), a notice of appeal, regarding its contract, No. 50-9A63-3-1T55, with the respondent, the U. S. Department of Agriculture (Government). Underlying this dispute is the Pope Beach Road Rehabilitation contract, involving work within the Lake Tahoe Basin Management Unit of the Forest Service in California. The contractor pursues two claims against the Forest Service, each denied by the contracting officer. Maintaining that it is entitled to relief because of a design change or design error attributable to the Government, the contractor seeks to recover \$19,272 for imported fill (a designed quantity payment line item), AGBCA No. 2005-135-1. The contractor seeks to recover \$4,200, described by the contractor as the balance due for handrails and the painting of six sets of concrete stairs, AGBCA No. 2005-136-1.

The Board has jurisdiction over these timely-filed appeals pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA). Following an initial telephone conference and the submission of the appeal file, the Government and contractor agreed to utilize informal procedures

(without a complaint or answer) as they attempted to resolve these disputes. The parties have entered into a settlement agreement.

On November 1, 2005, the Board received from the parties a written request that these matters be dismissed with prejudice.

DECISION

Pursuant to the request of the parties, this matter is dismissed with prejudice.

JOSEPH A. VERGILIO

Administrative Judge

Issued at Washington, D.C.

November 7, 2005